Supreme Court, U.S.
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No. ____

In The
Supreme Court of the United States

DR. GEORGE PIECZENIK
Petitioner,
v.
DOMANTIS,JON DUDAS, LESTER M. CRAWFORD, CAMBRIDGE ANTIBODY TECHNOLOGY GROUP, and MRC-LABORATORY OF MOLECULAR BIOLOGY
Respondents

On Petition For Writ of Certiorari To The Appeals Court Of the Federal Circuit

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PETITION FOR WRIT OF CERTIORARI

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Questions Presented for Review

1) Whether Dr. Pieczenik, *pro se*, was denied his Constitutional right, under Clause 8, section 8 when the Court of Appeals for the Federal Circuit District ignored the affidavits of three Nobel laureates for defining combinatorial library sizes and deferred to the scientifically primitive, defective and adversarial *stare decisis* Markman hearing process to determine claim construction?

2) Whether Dr. Pieczenik, *pro se*, was denied his Fourteenth Amendment right to Due Process when the scientifically primitive Boston District Court did not take into account the motion for re-consideration based on surprisingly discovered evidence of infringement identified in the honest Southern District of New York?

3) Is *stare decisis* is a proper legal historical constraint for the Doctrine of Patent Exhaustion, in light that recombinant combinatorial libraries are re-made in their use?

4) Are all *pro se* Writ of Certiorari to this Court denied *a priori*?

5) Does the Buck v Bell sterilization of "three generations of imbeciles" still stand? Does specious science still rule supreme with this Court?

6) Does the medieval and monstrous assumption, that the King can do no wrong, still stand?

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Authorities, Citations, and Patents Cited

CF. Teleflex, Inc. v. Ficosa N. Am. Corp. 299 F.3rd 1313, 1329 (Fed.Cir. 2002)

Crystal Semiconductor Corp. v. TriTech Microelectronics Int'l Inc., 246 F.3d 1336, 1348, 57 USPQ2d 1953, 1959 (Fed. Cir. 2001) p. 10

Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 535 U.S. 722

General Electric Co. v. Brenner, 407 F.2d 1258, 159 USPQ 335 (D.C. Cir. 1968). p.17

General Electric Co. v. Wabash Appliance Corp., 304 U.S. 364

*Hoffman La Roche, Inc. vs Promega Corp.*323 F.3rd 1354(Fed.Cir 2003)p.20

Lampi Corp. v. American Power Products Inc., 228 F.3d 1365, 1376, 56 USPQ2d 1445, 1453 (Fed. Cir. 2000) p.9

Markman v. Westview Instruments, Inc., 517 U.S. 370, 390 (1996)

Regents of the Univ. of Cal. v. Eli Lilly & Co., 119 F.3d 1559, 1573, 43 USPQ2d 1398, 1410 (Fed. Cir. 1997). p.10

THE PIECZENIK PATENTS

U.S.Patents 6,605,448; 5, 866, 363; 4, 359, 535 and 4, 528, 266

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES SUPREME COURT

I, Dr. George Pieczenik, *pro se*, respectfully request that the Honorable Justices of the Supreme Court grant a Writ of Certiorari to review the judgment of the Court of Appeals for the Federal Circuit rendered on January 13, 2005 and the denial of the Petition for Re-Hearing and the Petition of Re-Hearing En Banc on February 17th, 2005 (04-1477)

OPINIONS BELOW

The opinion of the Court of Appeal for the Federal Circuit is the subject of this Petition is *Pieczenik v Domantis 04-1447* and is set forth as Appendix A and the opinion of Judge Shira Scheindlin *1:03 CV 06336(SAS)* as is set forth as in Appendix B.

STATEMENT OF THE BASIS FOR JURISDICTION

I, Dr. George Pieczenik, *pro se*, believe I may petition the Court under Title 28 of the United States Code § 1254 and §1257(a) 2002 to review the ruling of the Court of Appeals for the Federal Circuit and the denial of the Petition for a Re Hearing and a Petition for a Re-Hearing En Banc as decided February 17th, 2005.

Background: The Court of Appeals for the Federal Circuit Fails to Understand the Need for A Queens Bench Representative to Our Provincial Patent Courts.

What has this puny patent case and the failure of the adversarial Markman hearing to do with such grave matters of our rights and liberties?

Only this, once through scientific indifference or judicial intellectual laziness one act of injustice and by degrees the poison of indifference by being convenient may cripple and destroy those rights and liberties.

It matters not whether the Pieczenik case is about a pro se inventor or the largest pharmaceutical house in the world.

What matter not, if the sum of the infringer's license is 1 dollar, or 1 penny, or the fiftieth part of the smallest fraction of one penny,

It matters not one single jot.

For the case of Pieczenik v. Domantis is none of these things. It is not Dr.Pieczenik's prevailing or Dr. Pieczenik's not prevailing that concerns us now. It is something greater by far.

It is Dr. Pieczenik's right to heard as a *pro se* inventor of America; to be heard in defense of his patent and ideas, so wantonly pitched into the mire.

Because of this monstrous assumption....this medieval and monstrous assumption ..that the King Can Do No Wrong.

And to maintain the common rights of any *pro se* American inventor against the King

I, Dr. Pieczenik, will fight to the last breath of my body and to last drop of my blood

And I believe with all my heart that this Court will accept my view

There is only one course left open to this Court.

Namely this, let this Court not rest until this Court has remanded Dr. Pieczenik's petition to the Court of Appeals for the Federal Circuit to consider the Affidavits of Nobel Laureates.

This Court shall articulate, the time honored phrase, a phrase that has always stirred in people and I hope always will stir. Wherever you may be in Nobel laboratories in Cambridge, England ; in humble state Universities laboratories; or in the humblest little lab in the corner of the humblest little cubicle- **"LET RIGHT BE DONE".**

Unfortunately, it seems that the Court of Appeals for the Federal Circuit has ignored the Affidavit of Lord Sydney Brenner. This is ignoring the Queens Bench rulings on all patent cases in the British Empire. For Lord Brenner is more than a simple Nobel Laureate. He is Order of the Garter, he is knighted by the Queen and more importantly he is the scientist the Queens Bench calls to decide all molecular biology patents. His word is law in the British Empire on issues of Patent claim construction.

Here, the Court of Appeals for the Federal Circuit didn't even know who he was or is. He created all of phage molecular biology, he created the concept and the term of the codon; he created the concept and the term of messenger RNA; he defined the whole neuronal network of a living organism; he defined the whole gĕnomic complement of a living organism; he defined the genetics of death and differentiation, he trained thousands of scientists around the world, he heads up research institutes in Singapore, Cambridge England and the Salk. He is the Queens Bench definition of claim terms in all patents in the whole of the British Empire.

He is *stare decisis* to all Modern Common Law in molecular biology.

Plaintiff brought Sydney Brenner into this case to save the reputation of the Court of Appeals for the Federal Circuit before it makes a more complete laughing stock of itself in the scientific community in supporting a completely idiotic claim construction by the provincial Boston Court. This claim construction was based on specious and fraudulent science presented to this provincial Court with intent to deceive this Court. The stubbornness, stupidity, denial and prejudices of the Boston Court would not allow itself to even consider true science and even honest evidence from the honest Court of Judge Shira Scheindlin's Court, .

What is at stake here is not this patent case, or this patent but the credibility of this Court and all the District Courts to the scientific establishment and to scientific history.

There will be a time when rational thought will replace religious superstition in this Country and at the time Francis Crick will be consider much as Jesus is considered presently. And Sydney Brenner will be considered much like Saul of Tarsis a.k.a. Paul.

That is why for this Court to disregard Lord Brenner's affidavit will be like the pope disregarding an epistle from Paul. Or, like President Roosevelt disregarding Einstein's letter on the making of an atom bomb.

Has this Supreme Court ever made any mistake in accepting specious science?

The best Supreme Court which ever existed was probably the Supreme Court that created a ruling and stare decisis for the worst human liquidation in the history of humanity.

This Court had Oliver Wendell Holmes, Louis Brandeis, and ex-President Taft, among others. One can not think of a more profound U.S. Supreme Court.

And, yet, like this case, it was suckered by a collusive defense and specious scientific evidence on the genetics of intelligence.

The two page decision in the Buck v Bell case is a stain on this Court with the blood of all those liquidated in the name of negative eugenics. It is a case which legitimized the sterilization of thousands of Americans. But, also legitimized the laws involved in negative eugenics which were taken verbatim to germany for the liquidation of millions and millions and millions and millions and millions and millions. This is blood on the hands of this Supreme Court that cannot be washed away.

This Court has not even accepted the responsibility of this horrible historical crime in which it was the prime mover.

There can be no truth and reconciliation between scientists and this Court unless this Court admits it used specious science to legitimize horrible and inhumane laws.

That is why this Court must overthrow all processes of determining scientific fact that is based on an adversarial system. It is clear that an adversarial structure to determine scientific truth is complete nonsense. One experiment can disprove thousands in debates. Einstein did not care that the whole german establishment called his physics "Jewish Physics".

Would the Court of Appeals for the Federal Circuit have disregarded an affidavit from Einstein?

More than fifty percent of all Markman rulings are overturned. That means they are completely random. For, there are only two possibilities in rulings from a Court of law. And that is the problem with the process.

The District Court and the Court of Appeals should have implemented Rule 706. This allows these Courts to bring in their own "expert witnesses". Instead, these Court's use law clerks who have failed molecular biology courses and, therefore, did not become physicians, but now are lawyers by default. This has lead to very snide *ad hominem* rulings in molecular biology rulings with exceptionally stupid logic that are over the heads of the supervising Judge.

Instead, our provincial Courts should follow the British Queens Bench and bring in expert scientist as they do with bringing in Lord Sydney Brenner.

I offered Lord Brenner's testimony to the Court of Appeals, as my courtesy to this Court, and, also, two other very important Nobel laureates. Rich Roberts, whose company New England Biolabs took a modest license on Plaintiff's patent and had previously sold an infringing combinatorial library to Defendant. And Bruce Merrifield created solid state peptide and nucleic acid chemistry which is the basis for all pharmaceutical combinatorial synthesis.

In addition, as Crick is like Jesus, and Brenner is like Paul, it was Crick's dying wish, as if Christ on the Cross, that Brenner give Plaintiff his support, in Plaintiff's attempt to try and correct the legal disaster these Court's have now created in combinatorial library molecular biology patents.

And, yet, these Court's have disregarded the call of history.

I have not bothered to cite any case outside of the Buck v. Bell case. For the problem is not with the lower Court, nor the CAFC, but with this Court's own bloodied hands.

And its lack of understanding that it is own confused internal logic that allowed itself to be suckered with specious science in order to preserve a reflection of a British system of law that is much more adaptable than its apprentice colonial Courts.